

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES)	
)	CR 12-69
v.)	CV 16-85
)	
JARRON DARVEZ JACKSON		

MEMORANDUM ORDER

In this action, Defendant pleaded guilty to one Count of violating 18 U.S.C. 922(g)(1).¹ On May 15, 2015, he was sentenced to a term of imprisonment of ninety-two months. The Court of Appeals affirmed his conviction and sentence. On July 25, 2017, he filed a Motion to Vacate pursuant to 28 U.S.C. § 2255, which he later supplemented. Counsel was then appointed, and asserted a claim pursuant to Johnson v. United States, 135 S. Ct. 2551 (2015). Via his counseled petition, Defendant abandoned the substance of his previous, pro se non-Johnson claims. For the following reasons, Defendant's Motion will be denied, and no certificate of appealability shall issue.

Defendant was sentenced based on U.S.S.G. § 2K2.1(a)(1), based on two felony convictions for "crimes of violence." His predicate convictions were for Illinois aggravated battery, 720 ILCS § 5/12-4(a), and Pennsylvania aggravated assault, 18 Pa.C.S. § 2702(a)(3). "Crime of violence" in Section 2K2.1 is defined by reference to U.S.S.G. § 4B1.2. Defendant argues that his convictions do not qualify as predicates under the applicable residual clause; he argues only that the residual clause is unconstitutionally vague under Johnson. Since Defendant's Motion, the Supreme Court decided Beckles v. United States, 137 S. Ct. 886 (2017). Beckles made clear that "the advisory Guidelines are not subject to vagueness challenges under

¹ Judge Cercone presided over this matter until it was transferred to my docket on February 2, 2018.

the Due Process Clause." Id. at 890. Therefore, Johnson cannot form a basis for relief from Defendant's sentence, and his Motion must be denied.

According to 28 U.S.C. § 2253(c)(2), a "certificate of appealability may issue only if the applicant has made a substantial showing of the denial of a constitutional right." Defendant has made no such showing here, and no certificate of appealability shall issue.

AND NOW, this 10th day of May, 2018, IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in black ink, reading "Donetta W. Ambrose". The signature is written in a cursive, flowing style.

Donetta W. Ambrose
Senior Judge, U.S. District Court